
REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text.
Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Final Regulation

REGISTRAR'S NOTICE: The agency is claiming an exemption from the Administrative Process Act in accordance with § 3.1-796.93:3 of the Code of Virginia, which excludes actions of the Department of Agriculture and Consumer Services relating to the establishment, operation, and maintenance of the Commonwealth of Virginia Dangerous Dog Registry under § 3.1-796.93:3.

Title of Regulation: **2 VAC 5-620. Regulations Pertaining to the Establishment of the Dangerous Dog Registry (adding 2 VAC 5-620-10 through 2 VAC 5-620-100).**

Statutory Authority: § 3.1-796.93:3 of the Code of Virginia.

Effective Date: July 1, 2007.

Agency Contact: Colleen Calderwood, DVM, Program Manager, Office of Veterinary Services, 102 Governor Street, Suite 141, Richmond, VA 23219, telephone (804) 786-2483, FAX (804) 371-2380, or email colleen.calderwood@vdacs.virginia.gov.

Summary:

The regulation establishes the procedures and requirements for registration of dogs that have been adjudicated dangerous in Virginia with local jurisdictions and the Dangerous Dog Registry of the Commonwealth of Virginia. This regulation describes the responsibilities of owners of dangerous dogs, local animal control and law-enforcement officers, the Commissioner of the Virginia Department of Agriculture and Consumer Services, and the State Veterinarian. This regulation clarifies and establishes the requirements for initial registration and renewal registration for owners of dogs found dangerous by a court of competent jurisdiction in Virginia and describes the situations concerning their dangerous dogs that require owners to notify local animal control officers. The Dangerous Dog Registry will be established online by the Department of Agriculture and Consumer Services so that all interested persons will have electronic access to the information in the registry. As envisioned, the registry will require that

the local animal control officer report only that information that the officer is required to obtain or is a matter of public record in the locality.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

CHAPTER 620.

REGULATIONS PERTAINING TO THE ESTABLISHMENT OF THE DANGEROUS DOG REGISTRY.

PART I.

PURPOSE AND APPLICABILITY; DEFINITION.

2 VAC 5-620-10. Purpose and applicability.

The purpose of this regulation is to establish the procedures and requirements for registration of dangerous dogs with local jurisdictions and the Commonwealth of Virginia Dangerous Dog Registry. This regulation describes the responsibilities of owners of dangerous dogs; local animal control and law-enforcement officers; the Commissioner of the Virginia Department of Agriculture and Consumer Services; and the State Veterinarian.

2 VAC 5-620-20. Definition.

The following word and term when used in this regulation shall have the following meaning unless the context clearly indicates otherwise:

"Dangerous dog" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat.

When a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. (See § 3.1-796.93:1 of the Code of Virginia.)

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PART II. REGISTRATION, RENEWAL, AND NOTIFICATIONS.

2 VAC 5-620-30. Initial registration requirements for owners of dangerous dogs.

A. The owner of a dog adjudicated to be dangerous shall within 10 calendar days of the finding by a court of competent jurisdiction, unless the dog has been euthanized:

1. Provide the local animal control officer the following information required to obtain a Dangerous Dog Registration Certificate:

a. Identification verifying that all owners of the dangerous dog are 18 years of age or older or the identification of the guardian of any owner under the age of 18;

b. The address where the dangerous dog is maintained and the name of the owner residing at that address;

c. The dangerous dog's name, sex, age, weight, primary breed, secondary breed, color and markings;

d. Two photographs of the dangerous dog, one front view and one side view head to paw;

e. The number of the dog tag license issued by the locality;

f. Verification that the dog has a current rabies vaccination including expiration date, name, address, and telephone number of the veterinary practice that administered the vaccine and the rabies tag number;

g. Documentation from a veterinarian that the dangerous dog has been neutered or spayed [.] including date of surgery and name, practice name, address, and telephone number of the veterinary practice that performed the surgery;

h. Evidence that the dangerous dog is or will be confined in a proper enclosure or is or will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until a proper enclosure is constructed;

i. Evidence that the residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property;

j. Documentation that the animal has been identified permanently by means of a tattoo or electronic implantation or both, including the name, practice name, address, and telephone number of the veterinary practice that performed the procedure, the identification number(s), and the microchip company;

k. A copy of the liability insurance coverage from a company licensed to do business in Virginia in the

amount of at least \$100,000 that covers the owners for damages caused by dog bites. In lieu of liability insurance, the owner may obtain and maintain a bond in surety in the amount of \$100,000. The bond shall be made to the chief administrative officer of the locality where one of the owners resides or where the dangerous dog is maintained for the benefit of those damaged by the bite of a dangerous dog. The form of the bond should be approved by the local jurisdiction's attorney; and

1. A signed statement of compliance with the provisions of the order finding the dog dangerous;

2. Obtain a Dangerous Dog Registration Certificate from the local animal control officer or treasurer for a fee of \$50 in addition to other fees that may be authorized by law.

3. Obtain a uniformly designed Virginia Dangerous Dog tag from the local animal control officer or treasurer that has a unique identification number and identifies the animal as a Virginia dangerous dog.

4. Affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times.

B. The owner of a dog adjudicated to be dangerous shall within 45 calendar days of the finding by a court of competent jurisdiction, unless the dog has been euthanized:

1. Provide the local animal control officer the following information required to register the animal with the Virginia Dangerous Dog Registry:

a. The names, addresses, and telephone numbers of all owners;

b. All information necessary to locate the owners and the dog at all times;

c. The acts that resulted in the dog being designated as dangerous;

d. The parties to the proceeding wherein the dog was found to be dangerous, the docket number and the court where the case was tried, and the requirements imposed by the judge on the owners of the dog;

e. Any other complaints or incidents of attack by the dangerous dog upon any person or cat or dog after the dog has been declared dangerous;

f. Any claims made or lawsuits brought as a result of any attack occurring after the dog has been declared dangerous; and

g. A copy of a valid dangerous dog registration certificate as prepared in subsection A of this section.

2. The owner of a dog adjudicated to be dangerous shall submit by mail to the State Veterinarian, payable to the

Treasurer of Virginia, a \$100 check or money order for the fee for registration in the Commonwealth of Virginia Dangerous Dog Registry postmarked within 45 days of the date of final adjudication finding the dog to be dangerous.

C. The owner of the dangerous dog shall retain the original Dangerous Dog Registration Certificate with his permanent records, renewal of registration in the dangerous dog registry.

2 VAC 5-620-40. Initial registration requirements for local animal control officers.

A. The local animal control officer, upon receipt of all information from the owner as required under 2 VAC 5-620-30 A, shall then certify a dog found dangerous by a court of competent jurisdiction within 10 calendar days of such finding. The local animal control officer shall:

1. Provide the owner with a copy of the law and this regulation.
2. Verify the owner has submitted all information required by law and this regulation.
3. Fill out the Dangerous Dog Registration Certificate with the owner.
4. Transmit electronically the Dangerous Dog Registration Certificate to the State Veterinarian.
5. Provide the owner with a Dangerous Dog Registration Certificate. The fee for the certificate shall be \$50 payable to the treasurer of the locality, in addition to other fees that may be authorized by law.
6. Provide the owner with a remittance form for the \$100 Commonwealth of Virginia Dangerous Dog Registry registration fee and information for submission to the State Veterinarian.
7. Provide the owner with a change of address form and a Dangerous Dog Renewal Registration Form from the Dangerous Dog Registry website.
8. Provide the owner or cause the treasurer of the locality to provide the owner with a uniformly designed Virginia Dangerous Dog tag with a unique identification number.

B. The local animal control officer, upon receipt of all information from the owner as required under 2 VAC 5-620-30 A and B, shall submit the information to the State Veterinarian by electronic mail within 45 days of any adjudication by a court of competent jurisdiction that a dog has been found to be dangerous. The local animal control officer shall:

1. Fill out the Dangerous Dog Verification of Compliance and Registration Form with the owner.
2. Transmit electronically the information from the Dangerous Dog Verification of Compliance and

Registration Form to the State Veterinarian for entry into the Registry.

2 VAC 5-620-50. Renewal registration procedures and requirements.

The following shall be the procedures and requirements for renewal of registration in the dangerous dog registry:

1. The State Veterinarian shall mail each owner of a dangerous dog a Dangerous Dog Renewal Registration Form and remittance form for the Dangerous Dog Registry renewal at least 60 days prior to January 31 of each year. A copy shall be sent to the animal control officer of the political subdivision where the dangerous dog is maintained.
2. By January 31 of each year, until the dangerous dog is deceased, each owner of a dangerous dog shall renew the Dangerous Dog Registration Certificate with the local animal control officer for the same fee and in the same manner as the initial certificate was obtained.
3. By January 31 of each year, until the dangerous dog is deceased, each owner of a dangerous dog shall submit a Dangerous Dog Renewal Registration Form to the local animal control officer for renewal of the Dangerous Dog Registration Certificate and for renewal of registration in the Dangerous Dog Registry.
4. The Dangerous Dog Renewal Registration Form shall include all information initially submitted on the Dangerous Dog Verification of Compliance and Registration Form and any updates.
5. The local animal control officer shall verify all information submitted by the owner on the Dangerous Dog Renewal Registration Form and transmit electronically the information to the State Veterinarian for entry into the Dangerous Dog Registry.
6. Each owner of a dangerous dog shall submit a \$35 renewal registration fee and remittance form postmarked no later than January 31 to the State Veterinarian for renewal registration in the Dangerous Dog Registry.
7. The owner of any dog found to be dangerous by a court of competent jurisdiction within 60 calendar days prior to January 31 shall be exempt from the first annual renewal registration.

2 VAC 5-620-60. Registration procedures and requirements for dangerous dogs adjudicated prior to July 1, 2006.

The following shall be the procedures and requirements for dangerous dogs adjudicated prior to July 1, 2006:

1. By October 1, 2007, each owner of a dog found to be dangerous prior to July 1, 2006, shall contact the local animal control officer to register the dangerous dog in

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the Dangerous Dog Registry. There shall be no fee for initial registration of dogs adjudicated prior to July 1, 2006.

2. The local animal control officer shall transmit electronically this information to the State Veterinarian by October 1, 2007.

3. After initial registration in the Dangerous Dog Registry, each owner of a dangerous dog adjudicated prior to July 1, 2006, is required to renew the registration annually by January 31 in the same manner and for the same fees for renewal as required by these regulations.

4. The Dangerous Dog Registration Certificates shall be renewed annually by January 31 as required by these regulations.

2 VAC 5-620-70. Dangerous dog tag.

The following shall be the procedures and requirements pertaining to the dangerous dog tag:

1. The State Veterinarian shall provide each jurisdiction a sequential batch of uniformly designed Virginia Dangerous Dog tags. Localities shall request additional tags from the State Veterinarian, as necessary.

2. The following information shall be inscribed on the front of the Virginia Dangerous Dog tag: "Virginia Dangerous Dog," and a unique dangerous dog identifying number. The back of the tag shall have inscribed return information: "If found contact the State Veterinarian's Office at (804) 692-0601."

3. The unique Virginia Dangerous Dog tag identification number shall remain active in the Dangerous Dog Registry until proof of death of the animal or until a new Virginia Dangerous Dog tag is issued.

4. The owner of a dangerous dog shall notify the local animal control officer within 10 calendar days of a lost Virginia Dangerous Dog tag.

5. The local animal control officer shall issue a new Virginia Dangerous Dog tag and identification number to the owner and electronically transmit this information to the State Veterinarian.

2 VAC 5-620-80. Notification requirements for dangerous dog incidents.

At any time during the adjudication process or after an animal has been found to be a dangerous dog by a court of competent jurisdiction, the animal's owner shall notify the local animal control officer within 24 hours if any of the following occur:

1. The dangerous dog is loose or unconfined.

2. The dangerous dog bites or attacks a person or another animal.

3. There is a complaint that the dangerous dog bit or attacked a person or another animal.

4. The dangerous dog is sold, given away, or dies.

The local animal control officer shall promptly notify the State Veterinarian of these facts by electronic mail.

2 VAC 5-620-90. Notification requirements for change of address or contact information; updated information.

If, at any time during the adjudication process or after an animal has been found to be a dangerous dog by a court of competent jurisdiction, there is a change in the address of the owner or a change in the address where the dangerous dog is maintained (within or outside of the Commonwealth of Virginia), the following notification shall occur within 10 days:

1. The owner shall provide written notice of an address change to the local animal control officer for both the old address from which the animal has moved and the new address to which that animal has been moved.

2. If the owner moves the dangerous dog to a new address within the same jurisdiction, the owner shall submit a Dangerous Dog Change of Address Form to the local animal control officer indicating the new address.

3. If the owner moves the dangerous dog to a different local jurisdiction, the owner shall submit a Dangerous Dog Renewal Registration Form and Dangerous Dog Change of Address Form to the local animal control officer in the new jurisdiction to which the animal has moved indicating the new address and any other updated information.

4. The local animal control officer of the jurisdiction of the old address from which the animal has moved shall provide written notice to the local animal control officer of the new jurisdiction, including the new address of the dangerous dog and any information necessary to contact the owner of the dangerous dog.

5. The local animal control officer of the old address from which the animal has moved and the local animal control officer of the new jurisdiction to which the animal has been moved shall send notice of the change to the State Veterinarian by electronic mail.

6. The owner shall notify the local animal control officer from the jurisdiction where the dog is maintained of any change in or updating of information required by the law or regulation. The local animal control officer shall transmit the changed information or updates into the Dangerous Dog Renewal Registration Form and send notice of this change to the State Veterinarian by electronic mail.

7. There shall be no charge for submitting updated information between registration renewals.

PART III.

COMMONWEALTH OF VIRGINIA DANGEROUS DOG REGISTRY.

2 VAC 5-620-100. Establishment, operation and maintenance of the Dangerous Dog Registry.

The following shall be the procedures and requirements for establishment, operation, and maintenance of the Dangerous Dog Registry:

1. By July 1, 2007, the Commissioner of Agriculture and Consumer Services shall establish the Dangerous Dog Registry to be maintained by the Virginia Department of Agriculture and Consumer Services, State Veterinarian's Office.

2. The State Veterinarian shall cause a website to be created and named the Virginia Dangerous Dog Registry.

3. A personal identification number (PIN) shall be assigned by the State Veterinarian to each local jurisdiction for administrative access to the Dangerous Dog Registry.

4. All information in the Dangerous Dog Registry shall be available to the State Veterinarian, local jurisdictions, and the public via the website.

5. Any funds collected for the Dangerous Dog Registry shall be used by the State Veterinarian to maintain the Dangerous Dog Registry and website.

All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under § 3.1-796.104:1 of the Code of Virginia.

The governing body of any locality may enact an ordinance parallel to this statute regulating dangerous and vicious dogs provided, however, that no locality may impose a felony penalty for violation of such local ordinances.

NOTICE: The forms used in administering 2 VAC 5-620, Regulations Pertaining to the Establishment of the Dangerous Dog Registry, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Agriculture and Consumer Services, 102 Governor Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Dangerous Dog Verification of Compliance and Registration Form, VDACS-DDR-01 (eff. 07/07).

Dangerous Dog Verification of Compliance and Registration Supplemental Owner Information Form, VDACS-DDR-02 (eff. 07/07).

Dangerous Dog Renewal Registration Form, VDACS-DDR-03 (eff.07/07).

Dangerous Dog Registration Change of Address Form, VDACS-DDR-04 (eff. 07/07).

Dangerous Dog Registration Change of Address Supplemental Owner Information Form, VDACS-DDR-05 (eff. 07/07).

Dangerous Dog Registration Remittance Form, VDACS-DDR-06 (eff. 07/07).

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